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S E C R E T SECTION 01 OF 04 BAGHDAD 003325

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TAGS: [MOPS](#) [MARR](#) [MASS](#) [PREL](#) [PTER](#) [SY](#) [IZ](#)
SUBJECT: I-NSC OCTOBER 12 REVIEWS SITUATION IN MOSUL,
AMNESTY LAW AND RELATIONS WITH TURKEY

Classified By: Ambassador Ryan C. Crocker for reasons 1.4 (b) and (d).

¶1. (S/REL MCFI) Summary. The October 12 meeting of the Iraqi National Security Council (I-NSC) opened with the Prime Minister setting aside the prepared schedule and calling for a briefing on the situation of reported Christian persecution in Mosul City, Ninewa. All members of the NSC wanted to know who was behind such attacks and what the real number of the attacks was. Some thought local security forces were involved; an idea downplayed by the Minister of Defense. A committee was established to go to Mosul immediately and to learn the true facts. The Governor of Babil then made a plea that the transfer of security from MNF-I to Provincial authorities, scheduled to take place on October 23, not/not take place. He complained that he does not have sufficient police to protect his province once Coalition Forces depart. The Minister of Interior promised to send supplementary troops to cover Babil while new officers are trained over the course of the next 90 days. PM Maliki assured the Governor that support would be provided to allow the transfer to go ahead on October 23. NSC members discussed the amnesty law and discussed in detail a number of loopholes that could allow insurgents to escape justice. The PM suggested the law would not be used until it is amended. The Minister of Foreign Affairs briefed on the subject of relations with Turkey, explaining that the PKK claimed responsibility for two recent attacks on Turkish forces launched from within Iraq. He said the situation is poisoning Iraq's relationship with Turkey and expressed concern that Turkey would continue attacking northern Iraq. He hoped that the issues could be discussed during an upcoming visit by a Turkish delegation. End summary.

Christians in Ninawa

¶2. (S/REL MCFI) Throwing out the agreed agenda, a clearly exasperated Prime Minister (PM) exclaimed, "Now they are going against Christians in Mosul" and said the meeting should immediately turn to the situation there. Citing the fact that the Minister of Defense (MoD) just returned from Ninewa, the PM turned to him for a briefing. In what was the main theme of his report, MoD said that his forces are taking all actions possible but noted political motives and said that some had exaggerated the number of Christians suffering persecution in and around Mosul. He took particular umbrage at the Governor of Ninawa's comments to the media in which he said that over a thousand Christian families had fled, saying he did not believe there were that many Christians even living within Mosul. He suggested that only 600 Christian families live in Mosul and these are not concentrated within one region.

¶3. (S/REL MCFI) Acknowledging widespread reports of physical violence against Christians, the Minister said there had only been six deaths - one involving a ten-year old child and another of a wheelchair-bound 70-year old man. Refuting local government charges that 600 to 1000 families had fled

the city and its environs, the Minister cited reports from three districts that said a total of 175 families had been displaced. The Minister then called for the expansion of existing and ongoing operations in and around Mosul to include increasing patrols around Christian neighborhoods, setting up checkpoints, changing out troops at existing checkpoints and meeting with Christian clerics. Deputy Prime Minister Essawi said that compensation should be provided to the families whose houses had been destroyed.

¶4. (S/REL MCFI) NSA Advisor Rubaie pressed the Minister on who were the perpetrators of the violence and threats in Mosul. MoD stated that it was almost certainly al Qaeda and/or 'members of the old regime,' (Baathists). (Another speaker thought Islamists are to blame.) The Minister sees these attacks as designed to throw the government off balance or to divert its attention as it prepared to launch the next in its series of major security operations: an operation due to begin in Mosul October 15. He noted that by attacking the Christians, AQI was "causing confusion" to undermine the operation.

¶5. (S/REL MCFI) The Acting Minister of Justice (MoJ) offered that "organized crime" might be behind recent events while the MoI suggested that it was due to approaching elections. MoD concluded by suggesting that the Interior Minister and the National Security Advisor (NSA) should go north the following day to personally investigate. In response to a question about why the MoD's figures differed so drastically from the local governor's office, the Defense Minister dismissed him as a great exaggerator. "Where is he getting his information? He never even leaves his building," the

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Minister said of the Governor, adding that he frequently gets phone calls from Baghdad with inflated numbers that he inflates even further.

¶6. (S/REL MCFI), The Prime Minister emphasized the need to get better facts and said verifiable numbers are vital. Deputy Prime Minister Essawi called for a committee to immediately investigate the matter and said "we must protect the community of Christians." The PM stated that even if the number displaced is "only 175 families" this is still an issue that demands immediate attention, and is a political threat to Iraq. He alluded to the intensely negative image this could create of Iraq in the international media and the adverse effect it would have on companies interested in starting up in Iraq. The PM called for the proposed committee to include Christians and members of the police and he instructed the security agencies to identify Christians within their ministries for service on the committee.

¶7. (S/REL MCFI) PM next raised allegations that local police or local army officers were complicit with those threatening Christians in Mosul. He stated that the Mayor of Mosul implicated local security forces. The Defense Minister, however, repudiated that possibility beyond, perhaps, a few bad apples in the police or army. Minister of Interior pointed to the possibility of private unlicensed security companies operating in Mosul without oversight. The Minister of Finance asked how it was possible with 16 battalions in the area of Mosul, not a single person had been arrested or captured engaging in this behavior.

¶8. (S/REL MCFI) Gen. Babikir, the MoD Chief of Staff stated that not only Christians were under pressure in Mosul, adding "even Turkmen and Shia have run away from Mosul." He concluded that the situation will never be controlled "unless we send a large number of armed forces into Mosul to win over the trust of the people." Minister of Foreign Affairs Zebari noted that he was born in Mosul. Without contributing any new details on the current situation, he said the implications for Iraq of the persecution of Christians are immense. He said the Government of Iraq is being targeted by this action and needs to respond with "vision." He noted

attention from Europe and the U.S. and the need for dramatic action to counter fears that would impact Iraq's reputation and ability to attract investment. The Minister of Interior said that two brigades of police would be dispatched to help with the situation. The PM concluded the discussion by instructing the dispatch of an investigative committee to Mosul the following day to report back on observable facts.

PIC in Babil

¶9. (S/REL MCFI) The Governor of Babil was then invited to address the NSC on the subject of transferring security authority from MNF-I to Provincial Iraqi Control (PIC). The Governor opposed the October 23 transfer date that had been agreed upon by the GOI and the U.S. forces, stating he still did not have sufficient trained local police. The Minister of Interior strongly opposed the request to delay the proposed PIC, stating that the Governor has enough forces. The Governor, however, said that Babil is different from all other provinces and suffers from grave security problems. Babil, he said, is the main gateway to the middle and southern provinces and had suffered greatly at the hands of terrorists. "We have lost many sons of Babil," he said. He cited the pulling of security forces into Basrah for Operation Charge of the Knights (in April) that never returned. He thanked the Defense Minister for the two battalions remaining in Babil and thanked American forces located there; "but," he said, "if you take them away we won't be able to defend ourselves. If something happens, it will look not only like we lost, but like America lost as well." The Governor asked for an additional 5000 police officers. He excoriated the Minister of Interior for not taking even a single phone call from him in the last seven months, while praising the PM for the responsiveness of his office at all times.

¶10. (S/REL MCFI) The Chief Justice told the Governor that the pull-out of MNF-I troops would not be complete. "They will still be able to help, and we will still have the National Police there." Mr. Safa'a of the DNSA said there were four considerations when the decision was reached to transfer security authority in Babil: (1) the readiness of the police; (2) the readiness of the army; (3) the ability of MNF-I to assist; and (4) the situation of the government in the province. The Minister of Interior promised additional equipment, vehicles and weapons were on their way to Babil to

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assist the local security forces. "Even if we don't have 100 percent readiness, it's good enough," the Minister stated. He said that if there is a deficiency in the security forces in Babil, it could be rectified with the provision of more police, but the PIC process should go ahead as planned.

¶11. (S/REL MCFI) The Governor countered that it will take a minimum of 90 days to train new troops and he, again, insisted the transfer be delayed until after that time. He said he needs a minimum of two new battalions - or 1400 men. The Minister of Defense said he would send troops to cover the 90-day training period and fill the void that would otherwise be created by the transfer of authority to the Province. When pressed by the Governor if he would send the additional troops "tomorrow," the Minister responded, "God willing." The PM instructed the Governor to meet with the MoI the next day to discuss police and other requirements and concluded the discussion by determining that the PIC process go ahead as planned on October 23 with promises to assist the Governor when and if necessary.

Amnesty Law

¶12. (S/REL MCFI) The conversation next focused on implementation of the amnesty law. The Chief Justice said

that in a limited period of time, more than 152,000 cases were reviewed. Of these, 122,508 were covered by the amnesty law and 29,484 were determined to not be covered by the law. Of those covered, 15,038 had been released and 8261 were still incarcerated. Those who fled Iraq yet are covered by the amnesty law, number 42,370. The Chief Justice praised the work done by the committee but commented there are problems with certain phrases in the law that might require further attention. He highlighted some of the apparent inequities of, for example, one person charged with terrorism being released while another charged with lesser offenses is not. This is as a result, he said, of the way the law was written.

¶13. (S/REL MCFI) The Chief Prosecutor of the CTB told the NSC that there are more than 3000 persons without files. (NOTE: Iraqi law requires each criminal defendant to be physically accompanied by a dossier containing charging documents, case history, court orders for commitment, etc. END NOTE.) He said an additional 616 detainees have no file. The MoJ added that the topic of detainees without files is a perennial subject raised by the Minister of Human Rights. He said that his Ministry now prohibits detentions without complete files and stated that to do otherwise would be a violation of human rights. National Security Advisor Rubaie raised the fact that the law does not address crimes that are merely financial in nature. He pointed to the example of a former Iraqi Minister now living outside the country who faces 24 charges of financial wrongdoing. Rubaie said the former minister now wants to return to Iraq, receive amnesty and return to politics.

¶14. (S/REL MCFI) The PM said the person who wrote the amnesty law should be held responsible for permitting such loopholes.

"How can we give amnesty to those who stole millions from the state?" he asked. All agreed that the law had been poorly drafted. This then led the Chief Justice to a discussion of another aspect of the poorly drafted amnesty law: terrorism. He pointed out that if no one is directly disabled or killed by a wrongdoer's actions, then that person is eligible for amnesty. Some members questioned, therefore, whether those who issued fatwas would also be eligible for amnesty - or, in fact, if Osama bin Laden would be eligible, since he had not directly killed anyone himself. Deputy Prime Minister Essawi told the group that the law had been very rushed. "Everyone agrees that it needs to be amended," he said, adding "even Tawafuk agrees the law must be amended to exclude AQI and the Takfiris."

¶15. (S/REL MCFI) The MoJ explained that the law will only apply to acts committed prior to the date of enactment on February 27, 2008. There then followed a discussion on the difference between continuing and completed criminal acts. The MoI commented that anyone who is a member of AQI or any other terrorist group "should be thrown in jail." According to the Chief Justice, simple membership in al Qaeda is a crime, but, to date, no one has been prosecuted for that alone. If such a terrorist, however, stopped being a member of a terror group on or before Feb 27, 2008, then he would be eligible for amnesty. A perturbed PM said at the conclusion of the discussion that Iraq has been harmed by this poorly written law and "we will stop using the amnesty legislation until it has been amended."

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Iraq's Relationship with Turkey

¶16. (S/REL MCFI) Minister of Foreign Affairs (MFA) Hoshyar Zebari briefed the NSC on the current state of relations with Turkey. He described two recent attacks resulting in scores of deaths for which PKK terrorists claimed responsibility. On the first occasion, he said, the terrorists came from the Iraq side of the border into Turkey. He explained that both the Government of Iraq (GOI) and the Kurdistan Regional

Government (KRG) denounced the attacks publicly and that the GOI had been in touch with the Government of Turkey (GOT) through the Turkish Embassy. He stated that the GOT has continued its operations in northern Iraq and said there have been a number of air strikes in Iraqi regions where the PKK is located, but added that no Kurds have been hurt. The Turkish parliament had acted to extend the authority to cross the border into northern Iraq because of the attacks.

¶17. (S/REL MCFI) The MFA said the GOT realizes the need for direct talks with the GOI and the KRG. "This is poisoning our relationships with the Turks," he said. Zebari said the people in the areas being shelled by the Turks were scared, but added "none of our citizens have been killed." He insisted that something be done over this dangerous issue. The PM asked the NSC members what is being done. Zebari said a delegation would soon be visiting from Ankara and the issue would be discussed then. The Minister of Defense said a three-pronged project with the Turks is required: (1) a three-member committee of Turks and Iraqis; (2) a joint Iraqi-Turkish center in Kurdistan; and (3) a mutual commitment to strengthening the borders. MNF-I should focus on the border project, he concluded.

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